

REMARKS

The instant Preliminary Amendment is presented in an effort to refine the recitation of Applicant's claimed invention. Claims 1 - 23 are original and claims 24-66 are cancelled, but much of the subject matter thereof is represented in new claims 67-109.

Several documents have become known to applicant and which are disclosed to the Office in Information Disclosure Statements dated 1 April 2004 and 22 September 2004. In that regard, the following distinguishing comments are provided:

Regarding US 6,154,559, histograms of locations at which a driver has looked are compiled, and in that histogram, density areas develop which are used to identify such things as whether the driver is looking straight forward or looking at the dashboard; and from this, that upon which the driver is focusing can be determined.

Regarding US 6,120,461, eye activity of a subject is detected using a head-mounted sensor. The gathered information is utilized to classify immediate visual state through the analysis of such ocular characteristics as fixation, saccade, pursuit and blink. Furthermore, several ways of treating or processing the data are disclosed.

US 5,570,698 discloses the monitoring of a driver's eyes for sleep behavior.

Regarding independent claim 67, it is uniquely recited that collected gaze-direction data is collected and compared to an ascertained eyes-forward region. From this comparison, (1) cognitive driver distraction, (2) visual driver distraction, or (3) high driver work load it is identified, and an assessment of severity thereof is made. These features are not found in any reference of record, or any appropriate combination thereof.

Claim 69 further recites the unique concept of percentage road center (PRC), as that concept is disclosed and described throughout the application. Again, this feature is not found in any of the references, nor would it be obvious to a person skilled in the art looking to one or more of these references. Therefore, the invention of claim 69 is novel and not obvious in view of the art of record.

Claims 70 - 72 further define the unique aspects of (1) cognitive driver distraction, (2) visual driver distraction, and (3) high driver work load as they relate to relatively higher and lower PRC values; none of which are found in the references of record.

Claim 81 is directed toward defining at least two areas of driver interest based on density patterns of collected gaze-direction data, and analyzing the same using a primary moving time-window of prescribed period. Further, multiple glances are detected that are indicative of high driver time-sharing activity; again these features are not found in any of the references of record.

Claim 84 is an independent claim in which Applicant's unique concept of PRC has been recited, and is therefore novel over the art of record.

The balance of the pending claims ranging between claim 68 and claim 109 variously depend from one of the above-distinguished claims, and are therefore novel and not obvious for the same reasons outlined hereinabove relative to the independent claims from which they depend.

No new matter has been added under the present Preliminary Amendment.

Serial No.: 10/605,637
Confirmation No.: 2636
Applicant: LARSSON, Petter *et al.*
Atty. Ref.: 07589.0068.NPUS01

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. § 1.16 which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment to Deposit Account No. 14-1437 referencing attorney docket no. 07589.0068.NPUS01.

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Respectfully submitted,

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